



FACT SHEET ON BECOMING AN UNCLASSIFIED CITY OFFICIAL

Most unclassified City employees are considered “City Officials,” and are subject to the City’s Ethics Ordinance. Because they exercise decisionmaking authority in the course and scope of their official duties, it is important to ensure that their official actions do not benefit their personal financial interests. For this reason, these employees are subject to the Ethics Ordinance’s conflict of interest laws. Prospective employees should be aware that these laws require the disclosure of certain types of personal financial information and impose a number of prohibitions and restrictions. This fact sheet offers general guidance regarding these laws, but should not be considered a substitute for the actual language contained in the Ethics Ordinance.

- ❖ Some unclassified employees are subject to the Ethics Ordinance because they are “high level filers.” This term includes the Mayor, Councilmembers, the City Attorney, City Treasurer, and the City Auditor.
- ❖ Most other unclassified employees are “code filers” and are subject to the Ethics Ordinance because the City Council has adopted a Conflict of Interest Code for the positions they hold in a particular department. A list of the Conflict of Interest Codes for individual departments can be found on the City Clerk’s website at: www.sandiego.gov/city-clerk/elections/eid/codes.shtml.
- ❖ Note that the few unclassified employees who are not high level filers or code filers are not subject to the rules contained in this fact sheet.

DISCLOSURE REQUIREMENTS

- ❖ Unclassified City employees must disclose their economic interests on a form prepared by the California Fair Political Practices Commission. It is known as a Form 700 or a Statement of Economic Interests, and it is filed with the City Clerk’s Office.
- ❖ The purpose of these disclosure requirements is to provide the public with relevant information about City Officials to ensure that these officials are not using their City positions to promote or enhance their own financial interests.
- ❖ The type of information disclosed on a Form 700 is determined either by state law (for the high level filers) or by the Conflict of Interest Code adopted for an individual department.
- ❖ Unclassified City employees must file an “assuming office” Form 700 within 30 days of taking office (commencing employment), an “annual” Form 700 on or before April 1 of each year, and a “leaving office” Form 700 within 30 days of leaving City employment. Depending on the scope of disclosure applicable to an official’s position, that official may have to disclose the following information on a Form 700:
 - ✓ Investments (e.g., stocks, bonds, excluding those in a mutual fund);
 - ✓ Any business owned (this includes partial ownership), and the names of people (e.g., clients, customers) who have paid \$10,000 or more to the business;
 - ✓ Real property owned (excluding a personal residence), and income from renters;
 - ✓ People/entities that have provided the official with income (\$500 or more) or gifts (\$50 or more); and,
 - ✓ The above information with regard to a spouse, registered domestic partner, and dependent children.
- ❖ If you need assistance completing your Form 700, please contact the Ethics Commission at (619) 533-3476. In addition, you are encouraged to read the Ethics Commission’s Fact Sheet on Disclosing Economic Interests, which is available on the Commission’s website.

RESTRICTIONS AND PROHIBITIONS

- ❖ The Ethics Ordinance prohibits unclassified City employees from accepting gifts (e.g., meals, tickets to events) valued at \$460 or more from the same reportable source within a single calendar year. For high level filers, everyone is a reportable source; for all other officials, a reportable source is anyone identified in their conflict of interest code. For more information, including the applicable exceptions to this rule, please refer to the Ethics Commission's Fact Sheet on Accepting Gifts.
- ❖ Unclassified City employees may not:
 - ✓ participate in City decisions that have a realistic possibility of affecting their financial interests, such as companies in which they own stock, or companies/clients from whom they have received income (see the Ethics Commission's disqualification fact sheets for more information);
 - ✓ participate in City matters that involve the interests of a person or entity with whom they are seeking or negotiating future employment;
 - ✓ use their City position or authority to induce anyone to provide them with something of value; or,
 - ✓ solicit campaign contributions from City employees.
- ❖ Such officials may not participate in a municipal decision that involves anyone who has paid them \$500 or more within the previous twelve months. This includes a previous employer unless all of the following conditions are met: the official did not have an ownership or investment interest in the company; all income was received or accrued before becoming a City Official; the income was received in the normal course of employment; and there is no expectation of renewed employment. "Income" is broadly defined, and includes salary, commissions, reimbursements, and outstanding debts or loans.
- ❖ Unclassified employees may not engage in any activity, for compensation, that is incompatible with their official duties. In particular, they may not use City facilities, equipment, or supplies for their own personal economic benefit (e.g., operating an eBay business on a City computer on City time).
- ❖ Unclassified employees may not use their positions or the power or authority of their offices to obtain anything of value for themselves, or any member of their immediate families. This means an unclassified employee may not suggest to others (other City employees or people in the private sector) that they should provide the unclassified employee with something of value because of his or her City position.
- ❖ Unclassified employees may not engage in campaign-related activities using City facilities, equipment, supplies, or any other City resources.
- ❖ There are several post-employment restrictions that may affect a City Official's actions after leaving the City. Although a former City Official is permitted to work for any other employer after leaving the City, he or she may not lobby City Officials on behalf of a new employer on any matter for a one-year period after leaving the City. In addition, if a former City Official worked on a particular project before leaving the City, that official may not communicate with any City officers or employees regarding that project on behalf of a new employer for one year, and may not assist that new employer behind-the-scenes with lobbying on the project for one year. Note that these restrictions do not apply to former officials working for another public agency or for lobbying efforts that are not compensated.

ETHICS TRAINING REQUIREMENT

- ❖ Under Council Policy 000-04, unclassified City employees are required to receive ethics training by the Ethics Commission shortly after assuming office, and every two years thereafter. The Ethics Commission will contact each unclassified employee for training at the appropriate time.

If you have any questions concerning your obligations as an unclassified employee under the City's Ethics Ordinance, please contact the Ethics Commission at (619) 533-3476.